IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE
and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 10916 of 1996

Between:
P.Bala Krishna Murthy
New Bakaram Hyderabad

..... PETITIONER

AND

1. The Municipal Corporation of Hyderabad rep. By its
Special Officer, Hyderabad.

2. The Managing Director, Hyderabad Metro Water Works and
Sewerage Board, Masab Tank, Hyderabad.
3 The Secretary
Govt. of A.P., Municipal Administration and Housing
Secretariat, Hyderabad

(R-3 impleaded as per Court order dated 3-7-1996 in W.P.No.10916 of 1996)

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the petition the High Court will be pleased to issue an order, direction, or a writ, more particularly one in the nature of writ of mandamus directing the respondents to provide Storm Water drains for the accumulating rain water without allowing it to go on the main road of Gandhinagar.

For the Petitioner: Mr.T.Ramakrishna Rao, Advocate (Not Present)

For the Respondent No.1: Mr.Ghanta Rama Rao, Mr.S.Kishan Rao, Advocates.

For the Respondent No.2: Mr.D.V.Sitarama Murthy, Advocate

For the Respondent No.3: The Addl. Advocate General

WRIT PETITION NO : 35050 of 1998

Between:

Vijayanagar Welfare Association,
(Regd.No.117 of 1962) by Secretary, K.Atchutha Rao, 10-3-566/11,
Vijayanagar Colony, Hyderabad

..... PETITIONER

AND

1. Secretary to Government of A.P.,
Municipal Administration Deptt.,
Govt. Secretariat, Saifabad, Hyderabad.

2 Municipal Corporation of Hyderabad
rep. by Commissioner , Near Tank Bund,Hyderabad

3. Secretary to Government of Andhra Pradesh,
Home Department, Secretariat, Saifabad, Hyderabad.

4. Commissioner of Police, Purani Haveli, Hyderabad.

5. Dy.Commissioner, Traffic
Central Control Room, Fateh Maidan
Hyderabad

6. Managing Director, Hyderabad Metropolitan Water
Supply and Sewerage Board, Khairtabad, Hyderabad.

7. A.P.State Pollution & Control Board
Maitribhavan, Ameerpet Hyderabad

8 Karan Builders
rep.by Dr.T.Rangaiah 10-3-313/10, P.S.Nagar, Vijayanagar Colony

Hyderabad- 500 057

9 Bhimsen Agarwal S/o.Mathadin
44/3RT, Vijayanagar Colony Hyderabad

10 Mr.Othkar
R/o.St.Joseph High School King Koti
Hyderabad

11 Sri.Abdul Hameed S/o.Abdul Jaleel
25/3RT, Andhra Bank, Vijayanagar Colony,
Hyderabad- 500 057

12 Sri.C.Mohan Rao
R/o.45/3RT, Engineer Vijayanagar Colony,
Hyderabad - 500 057

.....RESPONDENT(S)

For the petitioner: Mr.T.Ramakrishna Rao, Advocate (not present)

For the respondent No.1 : The Addl. Advocate General.

For the respondent No.2: Mr.Ghanta Rama Rao, Advocate.

For the respondent No.3 to 5: The Govt. pleader for Social Welfare

For the respondent No.6: Mr.D.V.Sitarama Murthy, Advocate.

For the respondent No.7: Mr.E.Kalyanram, Advocate.

For the respondent No.9: Mr.Pratap Narayan Sanghi, Advocate.

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records in respect of the petitioner's representations dated 13-12-1996, 1-1-1997, 20-1-1997, 1-8-1997 and 28-9-1998 to Hyderabad Municipal Corporation, respondent No.2, and to Commissioner of Police, Hyderabad, respondent No.4 and issue appropriate writ or order or direction in the nature of mandamus directing the respondents:

a) to direct the respondents No.1, 2, 3, 4 and 5 to remove all the

encroachments, projections or fixtures as stated in the writ petition, made by respondents 8 to 12 and the other owners of the buildings, shop No.26, H.Nos.76/3RT, 56/3RT, 57/3RT, 34/3RT, 33/3RT, 28/3RT, 25/3RT, 24/3RT, 44/3RT, 45/3RT, 18/3RT, 44/3RT, 23/3RT, 53/3RT, 6/4RT, 5/4RT, 2/4RT, 1/4RT, 23/3RT, 53/3RT, 3/3RT, 18/3RT, 52/3RT, 44 M.I.G.H., of Vijayanagar Colony encroaching the regular line of the public streets of the Vijayanagar Colony.

b) To direct the Municipal Corporation of Hyderabad, Respondent 2 and the Commissioner of Police, Respondent 4 to remove/demolish all the encroachments made by the hawkers, fruit vendors, coconut vendors on the foot paths and pavements abutting the public streets and also on the public streets and also at four road junction of Al-Saba Hotel and the four road junction of Andhra Bank, Vijayanagar colony.

c) To direct respondents 2 and 4 to remove/demolish all the unauthorized repair shops and other shops and other unauthorized structures at the four roads junction at Marjan Café along the I.T. I compound wall.

d) To constantly monitor from time to time by directing the Commissioner, Municipal Corporation Respondent 2, Commissioner of Police, Respondent 4, to submit reports to the Hon'ble High Court for every three months during the year for a period of three years.

e) To direct respondent No.5, Deputy Commissioner of Police, Traffic to arrange the traffic police constables to regulate the heavy traffic at the four roads junction near Andhra Bank and the four roads junction at Al Saba Café, Vijayanagar Colony.

f) It is prayed that the Hon'ble Court may be pleased to declare the letter bearing No.DP/HMWS and SB/Vijayanagar colony/98-99/94, dated 8-5-1998 and CGM (E)/WS&SCC/DB4/Vijayanagar Colony/98-99/13, dated 19-5-1998 of the 6th respondent as illegal and consequently direct the 6th respondent (1) to carry out the works as specified in the petitioner's letter dated 17-12-1997 addressed to the 6th respondent in accordance with relevant provisions of the Hyderabad Metropolitan Water Supply.

The court made the following:

ORAL ORDER: (per the Hon'ble the Chief Justice)

None for the petitioners.

In W.P.No.10916 of 1996, a direction has been sought against the respondents to provide storm water drains for the accumulated rain water without allowing it to go on the main road of Gandhi Nagar, Hyderabad and pass other appropriate orders. The said petition is a taken up petition.

However, in W.P.No.35050 of 1998, the directions prayed for are manifold. Directions are sought for removing encroachments, projectors, fixtures alleged to have been made by the respondents 8 to 12 and other owners of the buildings/shops of Vijayanagar Colony, Hyderabad; for a direction to the respondents to remove encroachments made by hawkers and fruit vendors on the foot paths abutting public streets and to remove unauthorized repair shops and structures in Vijayanagar Colony and to constantly monitor and direct the respondents to submit a report for three years. While the petitions were pending, numerous other prayers were sought to be made to direct the respondents to complete the process of bringing Krishna river water to fill up the lakes of Osman Sagar and Himayat Sagar on war footing and to direct the respondent No.6 to arrange for supply of drinking water through tankers more particularly in the residential areas where there is no regular water supply and to supervise the distribution and supply of drinking water to public.

After filing of the second petition, number of interim orders were passed and affidavits in reply were filed from time to time by the respondents placing on record the status report as regards the various directions asked by the petitioners. We will not go into the details thereof. We have also gone through the latest evidence of the year 2003 placed on record as regards the bringing of Krishna river water to fill up the tanks for supply of water to the twin cities. From the affidavits

and the reply affidavits, we find that it is not that the authorities are not at all aware of the problems of providing civic amenities. As per the respondents, steps are being taken to improve the civic conditions within the resources available at their disposal. Passage of time has made some of the prayers made in the writ petitions infructuous or needed further amendments. Since nobody is appearing for the petitioners, we are of the view that interest of justice will be fully met in case we close these petitions with a direction that in case the petitioners still feel that the respondent authorities have not taken any action for which grievances are made in the petitions before us, on the petitioners making a representation to the respondents or the concerned authorities, the same will be duly looked into and proper steps will be taken in accordance with law.

With these directions, the writ petitions stand disposed of.

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DEVINDER GUPTA, CJ

22-6-2004

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G.ROHINI, J

To

1. The Special Officer,
   Municipal Corporation of Hyderabad, Hyderabad.

2. The Managing Director, Hyderabad Metro Water Works and Sewerage Board, Masab Tank, Hyderabad.

3 The Secretary

Govt. of A.P., Municipal Administration and Housing
Secretariat, Hyderabad

4. The Commissioner,
Municipal Corporation of Hyderabad
Near Tank Bund,Hyderabad

5. Secretary to Government of Andhra Pradesh,
Home Department, Secretariat, Saifabad, Hyderabad.

6. Commissioner of Police, Purani Haveli, Hyderabad.

7. Dy.Commissioner, Traffic
Central Control Room, Fateh Maidan
Hyderabad.

8. Managing Director, Hyderabad Metropolitan Water
Supply and Sewerage Board, Khairtabad, Hyderabad.

9. A.P.State Pollution & Control Board
Maitribhavan, Ameerpet Hyderabad

10. 2 CCs to the Government pleader for Municipal
Administration, High Court Buildings, Hyderabad (OUT).
11. 2 CCs to the Government pleader for Home, High Court
Buildings, Hyderabad (OUT)